

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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FRED EVANS,

Plaintiff,

- against -

NORTH SHORE UNIVERSITY HOSPITAL,

Defendant.

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**REPORT AND  
RECOMMENDATION**

CV 05-0716 (ADS) (JO)

**JAMES ORENSTEIN, Magistrate Judge:**

The complaint in the above-captioned case appears to be related, within the meaning of Local Civil Rule 50.3(a), to a previously-filed complaint by the same plaintiff against the same defendant. *See Evans v. North Shore University Hospital*, CV 04-0015 (DRH) (JO), Docket Entry 1 (Complaint). As set forth in the attached Memorandum and Order, entered today in the related case, plaintiff Fred Evans has failed to comply with his discovery obligations in that case and failed to appear at the most recent court conference. In the interest of judicial economy, I respectfully recommend that the instant case be consolidated with the earlier-filed one pursuant to Fed. R. Civ. P. 42(a) and Local Civil Rule 50.3(e).

A copy of the Report and Recommendation is being sent to all parties. In addition, defendant North Shore University Hospital is directed to serve a copy of this Report and Recommendation on Evans by certified mail and to file proof of service with the court. Any objection to this Report and Recommendation must be filed with the Clerk of the Court with a courtesy copy to the undersigned within 10 days of service. Failure to file objections within this

period waives the right to appeal the District Court's Order. *See* 28 U.S.C. 636 (b)(1); Fed. R. Civ. P. 72; *Beverly v. Walker*, 118 F.3d 900 (2d Cir. 1997); *Savoie v. Merchs. Bank*, 84 F.3d 52, 60 (2d Cir. 1996).

**SO ORDERED.**

Dated: Central Islip, New York  
April 11, 2005

/s/ James Orenstein  
JAMES ORENSTEIN  
U.S. Magistrate Judge